

January 21, 2019

West Des Moines City Council Proceedings
Monday, January 21, 2019

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, January 21, 2019 at 5:30 PM. Council members present were: J. Sandager, and K. Trevillyan. Council members R. Hardman and J. Mickelson participated via telephone.

On Item 1. Agenda. It was moved by Sandager, second by Trevillyan approve the agenda as presented.

Vote 19-015: Hardman, Mickelson, Sandager, Trevillyan...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Mickelson reported he attended a meeting of the Greater Des Moines Convention and Visitors Bureau Board, where discussion was held on a proposed policy for funding “game changer” projects.

Council member Hardman reported she is representing the City of West Des Moines this evening as a keynote speaker at a Martin Luther King Jr. Day celebration. She also attended a meeting of the Library Board of Trustees.

Council member Trimble arrived at 5:32 p.m. The attendance was re-taken. Council members present were: J. Sandager, K. Trevillyan, and R. Trimble, with Council members R. Hardman and J. Mickelson participating via telephone.

On Item 4. Consent Agenda.

Council members pulled Item 4(j) for discussion. It was moved by Trimble, second by Sandager to approve the consent agenda as amended.

- a. Approval of Minutes of January 7, 2019 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Firecreek Grill, LLC d/b/a Fire Creek Grill, 800 South 50th Street, Suite 110 - Class LC Liquor License with Carryout Wine and Outdoor Service - Renewal
 - 2. Hy-Vee, Inc., d/b/a Hy-Vee Food & Drugstore #3, 1725 Jordan Creek Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal

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3. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
4. Shokai Fusion, Inc. d/b/a Shokai Fusion, 3701 EP True Parkway, Unit 400 - Class LC Liquor License with Sunday Sales and Outdoor Service - New
5. Thompson Hospitality, LLC d/b/a Urban Cellar, 640 South 50th Street - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - New
6. Amy Carr d/b/a Whispers, 3535 Westown Parkway - Class LC Liquor License - New
7. Paper Street Watering Company, LLC d/b/a The Winchester Pub, 224 5th Street - Class LC Liquor License with Sunday Sales - New
8. Your Private Bartender, LLC d/b/a Your Private Bartender, 1701 25th Street (Events Center West) - Transfer Location Temporarily to 5950 Village View Drive - February 5, 2019
- d. Approval of Order for Violation of Alcohol Laws
- e. Approval of Disposition of K-9 Officer Aro #228
- f. Approval of Professional Services Agreements:
 1. Railroad Bridge Feasibility Study
 2. Whisper Point Park Construction Documents
 3. Park Signage Plan
- g. Order Construction:
 1. 2018 Sewer Rehabilitation Program
 2. Grand Avenue Stormwater Pumps
 3. Valley Junction Alley Improvements, Phase 5B
- h. Accept Work:
 1. 2014 Street Rehabilitation Sidewalk Ramp Program
 2. Law Enforcement Center Lower Level Remodel, Phase 3
 3. Valley View Aquatic Center Partial Roof Replacement
- i. Approval of Professional Services Agreements:
 1. MidAmerican Energy Company RecPlex - Geotechnical Investigation
 2. South 81st Street and Cascade Avenue Widening
 3. South 85th Street - Cascade Avenue to Mills Civic Parkway
 4. On-Call Environmental Services
- k. Approval of Contract for Office Furniture - City Hall Renovations, Phase 1
- l. Approval and Acceptance of Temporary Easement - 62nd and Railroad Gate Structure Repairs
- m. Approval of Addressing - Various Locations within City Limits
- n. Approval of Roadway Naming and Addressing Policy
- o. Approval to Initiate Development Agreement - Penta Partners, LLC
- p. Establish Public Hearing - 1525 Grand Urban Renewal Area
- q. Approval of Amendment to Economic Development Assistance Contract - Project Mountain

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- r. Approval and Acceptance of Purchase Agreements and Property Interests:
 - 1. Ashworth Road Reconstruction, I-80 Bridge to 98th Street
 - 2. Booneville Road Reconstruction, South 88th Street to west of South 100th Street
 - 3. South 88th Street and Mills Civic Parkway Reconstruction
- s. Approval and Acceptance of Lot Tie Agreement - The Preserve on Grand Plat 1

Vote 19-016: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes

Motion carried.

On Item 4(j) Approval of Agreement for Installation of Public Water Main - West Public Services Facility

Council member Trevillyan stated he will abstain on this item due to a potential conflict of interest.

It was moved by Trimble, second by Sandager to approve Item 4(j) Approval of Agreement for Installation of Public Water Main - West Public Services Facility.

Vote 19-017: Hardman, Mickelson, Sandager, Trimble ... 4 yes

Trevillyan... 1 abstain due to potential conflict of interest

Motion carried.

On Item 5(a) Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards) - Eliminate Garage Requirement for Single Family Detached and Multi-Family Condominium Regime Developments, initiated by the City of West Des Moines (Continued from December 10, 2018 and December 26, 2018)

Lynne Twedt, Development Services Director, reported on the four options developed by staff:

- A. Eliminate the requirement completely and let the market dictate whether garages are installed. It was pointed out that with the exception of Des Moines, communities without a garage requirement are not receiving single-family home permits without garages.
- B. Keep the requirement as-is but allow Council to waive the requirement on a case-by-case basis with defined criteria of when a waiver would be appropriate.
- C. Keep the requirement as-is but provide financial assistance to buyers of homes that are of a certain square footage and who have been identified as low income. Two possible options would be to fund the garage construction via Woodland Hills Tax Increment Financing (TIF) monies or provide a sliding scale tax abatement.
- D. Eliminate the garage requirement but amend the ordinance to require, at a minimum, a storage shed of a specific size to be constructed with any new single-family home

Ted Ohmart, 1026 31st Street, spoke in favor of keeping a garage requirement in the ordinance. He stated his preference would be Option B, and he suggested the waiver could apply to all non-

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profit organizations. He noted the options that eliminate garage requirements have a minimum sideyard setback requirement to allow room for installing a garage, but he suggested the setback requirement should not apply to properties in the Valley Junction area that have alley access. He also stated he believes homes with no garage should be required to have a shed for storage.

Lance Henning, Executive Director of the Greater Des Moines Habitat for Humanity, commended the City for considering changes to its garage requirements. He suggested that the City take low income families into consideration, in addition to non-profit organizations, as the removal of the garage requirement could make home ownership more affordable for those families.

The Council members held discussion on the proposed ordinance options.

Council member Trimble suggested the ordinance should require garages, except waivers could be granted administratively by staff that would be based on established criteria regarding household income and size of the home. He noted the ordinance should also require a shed and an increased sideyard setback in cases where a waiver is granted.

The Council members expressed support for Council member Trimble's suggested concept.

Mayor Gaer directed staff to incorporate Council member Trimble's suggestions into the ordinance, develop proposed criteria for a waiver from the ordinance, and send it to the Development and Planning Subcommittee for review, before bringing it back to the City Council for consideration.

Council member Hardman expressed a desire for the City to promote affordable housing initiatives and provide opportunities for residents of all income levels to attain home ownership, and she believes removing the garage requirement would help move the needle on this very important issue facing West Des Moines. As leaders, we need to think outside the box and consider the needs of our diverse population.

It was moved by Trevillyan, second by Mickelson to continue Item 5(a) Amendment to City Code - Garage Requirement for Single Family Detached and Multi-Family Condominium Regime Developments indefinitely.

Vote 19-018: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Whisper Rock at Quail Cove, north of Cherrywood Drive at Whisper Rock Court - Change Zoning from Single Family Residential to Medium Density Residential, initiated by Quail Cove, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 4, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning

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Commission recommended City Council approval of the rezoning request. He also stated two citizen correspondences and a petition were received, which were included with the council communication.

Mayor Gaer asked if there were any public comments.

David Albright, representing Quail Cove, LLC, requested the public hearing and Council action on this item be continued to the February 19th meeting to allow time for the developer to meet with the neighboring property owners and discuss their concerns regarding the project.

Bill Lowry, representing Lowry Company, LLC, which owns the property to the south, stated he has not yet seen any plan or concept for the proposed development.

Mr. Albright stated the developer will share the proposed plan with the neighboring property owners when they get together for a meeting.

Mayor Gaer stated the public hearing will be reopened at the February 19th City Council meeting.

It was moved by Trevillyan, second by Trimble to continue Item 6(a) Whisper Rock at Quail Cove Rezoning to February 19, 2019.

Vote 19-019: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider 5940 PUD, southeast corner of University Avenue and 60th Street - Amend Planned Unit Development (PUD) to Allow Additional Building Height on Parcel D within the PUD, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 4, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the PUD Amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Trevillyan to consider the first reading of the ordinance.

Vote 19-020: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Trevillyan to approve the first reading of the ordinance.

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Vote 19-021: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 1 (Entitlements - Process and Procedures) and Chapter 12 (Floodplain Management) and Title 8 (Building Regulations) - Align City Regulations with Intended Federal Emergency Management Agency (FEMA) Changes, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 4, 2019 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 7-0, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Trimble to consider the first reading of the ordinance.

Council member Mickelson inquired about the effect on homeowners whose properties are now in the floodplain after the latest FEMA map update.

Rod VanGenderen, Chief Building Official, responded staff is aware of approximately eight to ten homes that will be affected by the FEMA map update. The change could lead their mortgage lenders to require flood insurance.

Vote 19-022: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Trimble to approve the first reading of the ordinance.

Vote 19-023: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Trimble in accordance with Rule 36 of the City Council Procedural Rules to waive the second and third readings of the ordinance.

Vote 19-024: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Trimble to adopt the ordinance in final form.

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Vote 19-025: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Grand Valley Plat 2, northeast corner of South 35th Street and Grand Avenue - Subdivide Property into Ten Single Family Lots, Ten Outlots, and One Street Lot, initiated by Engel Associates, Inc.

It was moved by Trevillyan, second by Trimble to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the conditions of approval listed in the Resolution.

Vote 19-026: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Grand Valley Plat 2, northeast corner of South 35th Street and Grand Avenue - Subdivide Property into Ten Single Family Lots, Six Outlots, and One Street Lot, initiated by Engel Associates, Inc.

It was moved by Trevillyan, second by Trimble to adopt Resolution - Acceptance of Public Improvements and Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 19-027: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) South 33rd Street and Fuller Road Retaining Wall, initiated by the City of West Des Moines

Mayor Gaer asked if there were any public comments.

Tom Cunningham, 694 South 34th Court, stated the proposed project includes the removal of a number of trees along the north side of Fuller Road to relocate the sidewalk and add more space for snow removal. He expressed doubt that the sidewalk needs to be moved for snow removal, and he presented photographs of the sidewalk area following the most recent snowfall. He noted if the sidewalk is moved north, it would likely run close to a ravine that would need to be partially filled, which would significantly increase the total project cost.

Ken Stone, 681 South 34th Court, stated he has reached an agreement with City staff to remove the retaining wall and grade his property so there is a gradual slope from the sidewalk up to his house, and the City would compensate him for the removal of his trees, lighting, and irrigation system.

Mayor Gaer noted staff has not finalized this project yet, as they will continue to work with the residents to seek a solution that is agreeable to all parties.

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It was moved by Trimble, second by Trevillyan to adopt Resolution - Establish Just Compensation and Approve Acquisition of Property.

Vote 19-028: Hardman, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Council member Hardman's participation via telephone ended at 6:26 p.m.

7(d) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 12 (Bicycle Advisory Commission), Section 2 (Membership, Appointment, Term) - Decrease the Number of Commission Members from Nine to Seven, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Trimble to consider the first reading of the ordinance.

Vote 19-029: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Trimble to approve the first reading of the ordinance.

Vote 19-030: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 5 (No Parking Zones) - 94th Street, University Avenue to Bishop Drive (west side) and 96th Street, University Avenue to Bishop Drive (west side), initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to consider the first reading of the ordinance.

Vote 19-031: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Trevillyan to approve the first reading of the ordinance.

Vote 19-032: Mickelson, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

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On Item 9(a) Legislative Updates

Jamie Letzring, Deputy City Manager, reported staff is closely monitoring two bills:

- SSB 1006 regarding the practice of massage therapy: This includes a preemption of local governments from enforcing their own requirements. The WDM Police Department is recommending the City register as opposed.

Following discussion, the Council members expressed support for registering as opposed to SSB 1006.

- SF 49 regarding the election of County Assessors: This would require all County Assessors to be elected every four years.

Mayor Gaer noted the Metro Coalition is registering as opposed to this bill, because it would bring too much politics to the assessor position.

Following discussion, the Council members expressed support for registering as opposed to SF 49.

Ms. Letzring noted staff is also monitoring SF 70 regarding school building emergency operations plans, as the Fire Department has concerns that the bill proposes teachers would be required to secure students in a locked room for three minutes after an unexpected fire alarm is sounded.

The meeting was adjourned at 6:36 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor